

CUSTOMER NO.: 24498  
Serial No. 10/553,810  
Date of Final Office Action: 05/18/09  
Response dated: 08/06/09

PATENT  
PU030125

Remarks/Arguments

Applicants have reviewed this application in light of the Office Action dated November 28, 2008. Claims 1-9 are pending in the application. No new matter has been added.

35 U.S.C. § 102(b) Rejection of Claims 1-9

Claims 1-9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,136,397 to Miyashita (hereinafter "Miyashita"). In rejecting applicants' claims, the Examiner asserts that Miyashita anticipates applicants' "means for **automatically powering on the lamp** at the end of the predetermined cool-down period of time if the **power-on command** is received during the predetermined cool-down period of time" as recited in claim 1. In support of the rejection, the Examiner relies on the discussion in Col. 9 of Miyashita which describes a restart subroutine

However, contrary to the Examiner's assertions, Miyashita makes no mention whatsoever of receiving a power-on command during a "cool-down" period. The Examiner indicates that the time delay (194) in Miyashita represents such a cool-down period. There is nothing in Miyashita to indicate that this time delay constitutes a cool-down period. Miyashita provides an explicit discussion of cooling the lamp, wherein the lamp waits *until reaching a specific temperature*. (See FIGS. 15A and B of Miyashita) Nowhere does Miyashita refer to the time delay (194) as a cool-down period or relates to temperature in any way. Only the Examiner has characterized the time delay (194) as a cool down period. Given that Miyashita did not hesitate to refer to temperature and cooling elsewhere, applicants maintain that Miyashita did not consider the time delay (194) as being a cool-down period. Indeed, Miyashita does not disclose or suggest a cool-down period at all.

Furthermore, even assuming, *arguendo*, that Miyashita's time delay (194) could constitute a cool-down period, Miyashita does not describe any reaction to any input received during that period. In particular, Miyashita neither discloses nor suggests receiving a power-on command during time delay (194). Nowhere in the portion of Miyashita cited by the Examiner, nor indeed anywhere else does this reference disclose or suggest powering on the

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lamp at the end of a cool-down period *if a power-on command was received during the cool-down period.*

For at least the above reasons, applicants assert that Miyashita fails to disclose or suggest all of the elements of claims 1, 6, and 9, and claims 2–5 and 7–8 depend from claims 1 and 6, respectively. Accordingly, applicants request withdrawal of the 35 U.S.C. § 102(b) rejection of claims 1-9.

In addition, the dependent claims include patentable subject matter separate and distinct from that recited claims 1 and 6. For instance, claim 2 recites, “means for signaling receipt of a power-on command during the cool-down period of time.” In rejecting claim 2, the Examiner asserts that Miyashita discloses this element in its restart subroutine. However, because Miyashita does not disclose or suggest a cool-down period of time and does not disclose or suggest receiving a power-on command during such a cool-down period, Miyashita necessarily cannot disclose or suggest signaling the receipt of such a power-on command.

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### **Conclusion**

In view of the foregoing, applicants solicit entry of this amendment and allowance of the claims. If the Examiner cannot take such action, the Examiner should contact the applicants' attorney at (609) 734-6820 to arrange a mutually convenient date and time for a telephonic interview.

It is believed that there is no fee associated with the filing of this response; however, if a fee is due, please charge the fee, and/or credit any overpayment, to Deposit Account No. 07-0832.

Respectfully submitted,

ANGELA RENEE BURNETT ET AL.

By: 

Robert B. Levy, Attorney for Applicants  
Registration No. 28,234  
Phone (609) 734-6820

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Patent Operations  
Thomson Licensing LLC  
P.O. Box 5312  
Princeton, New Jersey 08543-5312

August 6, 2009